



**LAPORTE COUNTY
BOARD OF ZONING APPEALS**

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MICHAEL POLAN
Building Commissioner

March 15th, 2022

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **March 15th, 2022, at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT: Melissa Mullins Mischke Dwayne Hogan
 Glen Minich Adam Koronka
 April Daly

PRESENT: Michael Polan, Recording Secretary, Attorney Doug Biege; Ashley
 Kazmucha, Secretary

The Pledge of Allegiance.

APPROVAL OF MINUTES:

Melissa Mullins Mischke asked for approval of the meeting minutes of February 15th, 2022.

Adam Koronka made a motion to approve the meeting minutes of February 15th, 2022 as presented.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

Dwayne Hogan stated Ashley Kazmucha did a great job on the meeting minutes. They were explicit and detailed. He zoomed in last month and to read them the way they were, it was a very nice job.

Ashley Kazmucha stated thank you.

Petitions:

1. Petition for Variance of Special Exception for Tong's Property LLC (Yan Tong Guan) owner and Sunbreak Entertainment Corp. (Hang Chen, Yan Gao, & Zhong Chen) renter represented by counsel Andrew Voeltz of Howes & Howes LLP for an outdoor shooting range. This property is located across from 6961 S. 3rd Line Rd.,

Kingsbury, IN., Washington Twp. zoned M2 on 38.507 acres. Parcel 46-15-09-100-004.000-066.

Melissa Mullins Mischke stated Petition #1 had some modifications to their petition and in order to allow all remonstrators an opportunity to remonstrate, they are going to table it until next month.

Andrew Voeltz stated he is representing the petitioners. Considering the conversation that took place prior with counsel apparently there was earlier today on the website the agenda did state that the Petition was tabled until further notice. They then since have adjusted that. Best practices here, he understands his clients are disappointed, but he has advised them that regardless of the fact that it was removed late in the day, they should table it until the next month. The Board now has all of the information they have submitted in order to review. It's not late. It was late because of some scrivener's errors and some spelling errors and whatever else he wanted to make sure was cleaned up. They have everything now. And remonstrators represented by Mr. Ambers and/or whoever else could be here. He did look at the meeting and recognized that there were other people that were out there that had concerns. Now they have the opportunity to do this by the book where a remonstrator cannot come back and say they didn't have notice. He understands. He's frustrated, but it's the way to go.

Melissa Mullins Mischke agreed. She thanked him and his clients for their patience. He is right. They want to make sure it is done in the proper manner and everybody has a chance to put in their piece.

TABLED TO APRIL 19TH MEETING.

2. Petition for Variance of Developmental Standards for Aaron J and Megan Johnson represented by counsel Andrew Voeltz of Howes & Howes LLP for construction of a detached garage to the side of the home instead of the rear and a five-foot (5') setback from the newly established lot line instead of the ten-foot (10') minimum required and for lot coverage in excess of 45%. This property is located at 339 Oak Dr., LaPorte, IN., Center Twp., zoned R1B. Parcel 46-06-27-304-021.000-042.

3. Petition for Variance of Developmental Standards for Dorcie D Lange Revocable Trust dated 2008 represented by counsel Andrew Voeltz of Howes & Howes LLP for construction of a residence with a five-foot (5') setback from the newly established lot line instead of minimum ten feet (10') required and lot coverage in excess of 45%. This property is located at 341 Oak Dr., LaPorte, IN., Center Twp., zoned R1B. Parcel 46-06-27-304-022.000-042.

Attorney Biege stated notice is adequate.

Andrew Voeltz stated he is representing a dual petition. They did not file them together, but rather because they are individual land owners, they filed two (2) of them. With that being said, he would like to go ahead and approach and provide the Board with copies of the survey that was recently commissioned and recorded meaning that the lot lines have now changed because that

was the preliminary thing that needed to happen so that they three lots could be converted into two (2). Then they can see what the intentions are as far as moving forward.

The Board looks over the provided drawing.

Andrew Voeltz stated they have two (2) separate petitions for multiple variances and again based upon the plans that have been presented to the Board, he does not necessarily know that all of those are needing to be requested specifically with regard to the fact that concerns the Dorcie D Lange Revocable Trust at 341 Oak Drive. That entire building is getting knocked down. That thing has a lot coverage the he couldn't stand to guess. It is a monstrosity on the island. It is going to be knocked down. Then with both 341 and 339 Oak Drive, the three (3) lots will be converted into two (2) with the new construction at 339 already in place, but then a garage situated. 341 will be knocked down with a new building then constructed that will provide for multiple lot lanes that the inland residents can now see the lake where they can't see it right now. He has spoken to the adjacent landowners and notice was sent out. Notice was adequate. They are all excited about this. For somebody on the island to be excited about something is about unheard of. With that being said, they would ask that the Board would grant the Petition for Variances on both properties with regard to the specific requests. Again though, he is unsure if the forty-five percent (45%) lot coverage request for variance is necessary because they are reducing the footprints specifically at 341. 339 will then expand as well. In his mind, he would ask that the Petition for Variances be granted on its face. If they need to amend, then they can as far as the order or what the position of the Board would be.

Attorney Biege asked Andrew Voeltz what he meant by amend. Amend what?

Andrew Voeltz stated they requested specifically variances with regards to the setback of five feet (5') instead of ten feet (10'), lot coverage in excess of forty-five percent (45%) and then the construction of a structure set off to the side instead of the rear with regards to the garage. He doesn't know if the forty-five percent (45%) really exists. When you look at the plans, it doesn't seem to him, and perhaps Mr. Johnson could speak to this, but he doesn't think the forty-five percent (45%) is in excess with this. He really doesn't.

Attorney Biege stated procedurally, they could grant it and if it doesn't apply then it doesn't apply if that's what the Board chooses to do. He thinks that would be cleaner than amendment. He has another question though. The Petition states only 339. Is that because 341 doesn't exist yet?

Andrew Voeltz stated there are two (2) petitions.

Attorney Biege stated he only has one (1).

Dwayne Hogan stated it's number three (3).

Andrew Voeltz stated they are dealing with two (2) and three (3) with the same time. He should've been a little clearer about that. That determination was made that they could have done a joint petition, but this was the cleanest way to do it, separate, because of the different

landowners. They are relatives, but they are not relatives in name so he decided and based upon Ashley's recommendation, filed two (2) different petitions and have them heard jointly.

Michael Polan stated one (1) of the Petitioners came to the office to discuss this and we advised them to file their petition to cover everything that might be applicable so that nothing was left out because these plans were not completed at that time; it was more conceptual than it is today.

No remonstrators present for Petition #2.

Dwayne Hogan asked if they are going to combining Petitions #2 and 3 together then as one (1) Petition? Or do they want them separate?

Melissa Mullins Mischke stated they are going to keep the vote separate to keep it clean.

Glen Minich stated Petition #2 is for the property to the West.

Melissa Mullins Mischke stated 339.

Andrew Voeltz stated correct.

Glen Minich stated the smaller home.

Andrew Voeltz stated the smaller home that is new construction at this point. Or has been new construction. The property to the East of 339 is the one (1) that is the monstrosity.

Adam Koronka stated they are looking at the larger home that is going to be knocked down that is addressed 341 to the East.

Andrew Voeltz stated that is correct.

Adam Koronka stated to the West will be the existing home with an added garage to the side is 339.

Andrew Voeltz stated that is correct. Then the lots, 341 is the one that is two (2) lots at this point. What has wound up happening is that survey that was recorded is those three (3) lots covering 339 and 341 now have been combined into two (2) lots. At this point, 341 is two (2) lots.

Melissa Mullins Mischke stated let's focus on 339 which is the smaller one (1). They will get through that vote then they can talk about the two (2) lots for 341. They just discussed that some of the variances may not be necessary, but they are going to include them so they don't have to come back with respect especially to the forty-five percent (45%).

Adam Koronka stated in regard to 339 which is Petition #2, as shown on a drawing from Saylor Land Surveying, they have a proposed deck and garage attached to the home on Lot Three (3) Tree Haven Subdivision no encroaches over into Lot Two (2) as the legacy platting stands. Is that what he is looking at? They are moving the lot line to the East?

Melissa Mullins Mischke stated the survey he has is as the lot lines were modified and it does not appear to encroach on the other parcel.

Adam Koronka stated not now.

Melissa Mullins Mischke stated that is correct, which is why they did that.

Glen Minich stated it looks like they are doing that because their garage's gable runs parallel with the home's gable SO they want a gap between the two (2).

Aaron Johnson stated his address is 339 Oak Drive, LaPorte, IN.

Aaron Johnson stated his mother-in-law Dorcie Lange is on Zoom as well for Petition #3. Both of the addresses at one (1) point three (3) lots. He built the new home three (3) years ago at 339. It was only a fifty foot (50') wide lot so because of the constraints he couldn't add a garage at the time. His mother-in-law Dorcie has recently purchased the home next door to them and the plan is to demolish the home that is there now. It is a rather large home. They have re-deeded the property and recorded it. They have moved the lot line over fourteen feet (14') so they went from a fifty-foot (50') wide lot to a sixty-four-foot (64') giving them enough room to add a one (1) car garage that he didn't originally have space for. Then his mother-in-law on Petition #3 is planning to build a smaller home than what currently exists. By rule, they would each have to have a ten-foot (10') setback. They are both asking for the variance to have a five-foot (5') setback leaving a total of ten feet (10') between the two (2) structures.

Glen Minich stated the reason for these side setbacks is because the island belongs to everybody. They are looking at views of the lake and every time they do this, they are taking away from that to where they are driving down the road and all they are seeing is homes. That's the negative side.

Melissa Mullins Mischke stated Andrew Voeltz mentioned that the inland residents would be able to see the lake with this improvement.

Andrew Voeltz stated 339 is not the issue; 341 is the issue and it is going to get demolished. When that monstrosity gets knocked down and the smaller footprint of the home that has been provided on the drawing winds up getting put up along with a detached garage to the side because it can't be placed to the rear because it will be in the lake. They are talking about five feet (5') instead of ten feet (10') from the lot lines, but then he is talking now about going from two (2) channels to see the lake from inland residents to four (4) channels now. Again, he is well aware of the nuances of what goes on on the island, but the fact of the matter is that there is nobody here remonstrating against it and they have all gotten notice. If they aren't going to come out and remonstrate then they are in support of it because they are going to increase their value of their inland property because they will wind up with better lake views.

Glen Minich stated they are going from two (2) views between 339 and an older home and then a view to three (3) views. It's only a six-foot (6') gap between homes that are deep. That is a very

narrow alley and there's a ten-foot (10') gap and then there is a six-foot (6') gap, but it looks like it has an enclosed porch so that gap is basically non-existent. So really, they are going from two (2) to two (2) and now they have a total gap of sixteen feet (16') and before it was forty feet (40'). Before there was ten feet (10'), ten feet (10'), ten feet (10'), and ten feet (10') so they are really closing the view. Between them and the old house there is twenty feet (20') then there is twenty feet (20') between the old house and the next home. They are closing the view from forty feet (40') to sixteen feet (16').

Adam Koronka stated as he looks at it there is twenty-eight feet (28') total from 339 existing house to 341 existing house. It is twenty-eight feet (28').

Andrew Voeltz stated as it stands today.

Ashley Kazmucha stated she did receive an email from Joe Jongkind on the island. He said he spoke with the owner, he was fine with this, he was only concerned that the height would not be under standard development and was advised that it would be thirty-one feet (31') and the max is thirty-five feet (35').

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for Aaron J and Megan Johnson represented by counsel Andrew Voeltz of Howes & Howes LLP for construction of a detached garage to the side of the home instead of the rear and a five-foot (5') setback from the newly established lot line instead of the ten-foot (10') minimum required and for lot coverage in excess of 45%. This property is located at 339 Oak Dr., LaPorte, IN., Center Twp., zoned R1B.

Dwayne Hogan seconded.

Approved. Motion carries 3-2.

Andrew Voeltz stated they are here on Petition #3 now with regard to the Petition of Developmental Standards for Dorcie D Lange Revocable Trust dated 2008 located at 341 Oak Drive. He has submitted some drawing here and he wants to make clear that while it may not show in regards with what has been done to the survey and what has been recorded is the detached structure, meaning the garage to the west of 341, is going to be connected to the residence via a breezeway. It is not detached necessarily. He wanted to make that clear. Again, the building that currently exists at 341 is an eye sore and a monstrosity. It looks like a barracks. He drove out the other day when posting signs and he forgot what it looked like. It literally looks like a barracks for a military base. That will go away. Once again, there are no remonstrators present here and for no remonstrators on the island, that in and of itself speaks volumes. They would ask that the petition with regards to 341 in conjunction with 339 already being granted, that they both be granted and then his clients can move forward.

Michael Polan stated on this particular petition, the new structure that would be erected in place of what is to be torn down will have a shorter height.

Andrew Voeltz stated that is correct. The height on that one (1) is thirty-one feet (31') and less than the current thirty-six feet (36'). Again, it's one of those things that while driving down Oak Drive it feels like driving through a canyon with the height of that structure on that side and how close it is to the road and everything else like that. He did live on the island for a period of time. He understands the nuances out there and how everybody wants to do their own thing and get this and that, but everybody is on board with this. He thinks this is the proper outlook.

Remonstrators for Petition #3:

Aaron Johnson stated his address is 339 Oak Drive, LaPorte, IN. He is in support as the neighbor of this proposed structure. It will look a lot better than what exists today.

Melissa Mullins Mischke stated notice Dorcie didn't do the same thing for him.

Laughter erupts.

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for Dorcie D Lange Revocable Trust dated 2008 represented by counsel Andrew Voeltz of Howes & Howes LLP for construction of a residence with a five-foot (5') setback from the newly established lot line instead of minimum ten feet (10') required and lot coverage in excess of 45%. This property is located at 341 Oak Dr., LaPorte, IN., Center Twp., zoned R1B.

Dwayne Hogan seconded.

Approved. Motion carries 3-2.

4. Petition for Variance of Use for Cecil Pryor III for a residential assisted living with a maximum of four (4) residents. The property is located at 5493 N. Hwy 35, LaPorte, IN., Springfield Twp., zoned R1B on 1.15 acres. Parcel 46-06-06-276-005.000-062.

TABLED

5. Petition for Variance of Developmental Standards for John T. Tucker for construction of a second (2nd) accessory structure pole barn for personal use with a height of twenty-three feet (23') instead of the maximum eighteen feet (18') allowed. This property is located at 7385 W. Oakmeadow Dr., LaPorte, IN., Coolspring Twp., zoned R1A on 1.89 acres. Parcel 46-05-23-200-119.000-046.

Attorney Biege stated notice is adequate.

John Tucker stated his address is 7385 W. Oakmeadow Dr., LaPorte, IN.

Melissa Mullins Mischke stated he wants to put up a second (2nd) accessory structure.

John Tucker stated yes, He currently has a twelve-foot by twenty-four foot (12' x 24') shed on the east side of the property and he is in the process of having the west side of his lot cleared to

build a thirty-foot by sixty-foot (30' x 60') pole barn to store his camper, excess materials in his house, and then maybe a little home shop down the road for woodworking and metalworking and he has a motorcycle.

Melissa Mullins Mischke asked if he is going to put a camper in there.

John Tucker stated yes, that's why he needs the height. He is doing fourteen-foot (14') high doors because he knows the federal regulation is thirteen feet six inches (13'6") max and right now his current camper is only a small toy hauler that is ten and a half feet (10'6"), but down the road he will be able to fit anything up to a Class A through there. He is doing front and rear doors as well so he can pull through the NIPSCO easement to the rear of him and not have to worry about backing it through a narrow door.

Melissa Mullins Mischke stated that was going to be her next question, how was he going to access it.

John Tucker stated he also plans on filing for a second (2nd) driveway permit from off the cul-de-sac where he already has an area that is clear of his leech field and well as well. He also measured his house itself because he has high steeped ceilings in his roof and his house is twenty-two feet four inches (22'4") and the pole barn is twenty-two feet ten inches (22'10"). The area where the pole barn is going sits about a foot (1') lower so the pole barn from the street will relatively look the same height as his house.

Melissa Mullins Mischke stated she has a letter of remonstrance from Timothy and Karen Timm at 7355 W. Oakmeadow Dr. and if anybody wants to review that they will be available in the Building Commissioner's Office.

No remonstrators present.

Dwayne Hogan asked if he has any intentions of operating a business out of it.

John Tucker stated no, not at all.

Melissa Mullins Mischke asked about living quarters.

John Tucker stated no. The west third (1/3) will be a storage area, the center is for having his camper and truck if he needs to do any work, and east will be all his tool boxes and everything.

Dwayne Hogan asked if he was going to have water or electric in it.

John Tucker stated electric only. No water and maybe gas down the road, but at the current if he does, he will pipe from the house instead of getting a second meter since NIPSCO wants fifty dollars (\$50) a month even if he doesn't use the gas. He also has the letter that came back from Mr. Miles Carrigan whose property is off of Wozniak. It is signed and dated after he received it. It was originally returned as undeliverable because he moved from Upland Dr. to the Address off

of Wozniak that comes to the west of his property. He signed the letter that was noticed signing off on it.

Melissa Mullins Mischke stated she has another letter of remonstrance from Dax and Megan Richter at 7388 W. Oakmeadow Dr. and again they will be in the Building Commissioner's Office to view.

Dwayne Hogan asked if it was in favor or against.

Melissa Mullins Mischke stated they were both against.

John Tucker asked if there are copies available for him now so that he could say anything about them since he hasn't been able to see them at this time since they didn't come in person.

Melissa Mullins Mischke asked if we have copies available for him? We've never had that question before.

John Tucker stated he is having other legal issues with them that have nothing to do with an ordinance. It concerns him that if they are doing written remonstrance.

Melissa Mullins Mischke stated they are pretty close to making a vote.

Glen Minich asked if he is asking for another driveway.

Melissa Mullins Mischke stated yes, he is applying for a permit off the cul-de-sac.

John Tucker stated he wanted to get the variance before he thought about a driveway permit.

Dwayne Hogan stated he doesn't see a problem with it.

Glen Minich asked if he needs a variance for a second (2nd) driveway in the County.

Melissa Mullins Mischke stated he will have to apply for permit through the Highway. It wasn't included so if he needs to come back then he will.

Dwayne Hogan asked if they need a variance for the second (2nd) driveway.

Ashley Kazmucha stated no.

Melissa Mullins Mischke stated they aren't granting a Highway, that would be the Highway Department.

Ashley Kazmucha stated the Building Department does that.

Glen Minich stated he was under the impression that they are only allowed one (1) driveway.

Attorney Biege stated it doesn't matter, he didn't ask for one (1).

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for John T. Tucker for construction of a second (2nd) accessory structure pole barn for personal use with a height of twenty-three feet (23') instead of the maximum eighteen feet (18') allowed. This property is located at 7385 W. Oakmeadow Dr., LaPorte, IN., Coolspring Twp., zoned R1A on 1.89 acres.

April Daly seconded.

All Approved. Motion carries 5-0.

6. Petition for Variance of Developmental Standards for Ralph L & Judie A Rankin for continued placement of a mobile home. Last variance granted 7/21/2015 for three (3) years renewable. The property is located at 2214 E. 950 S., Hamlet, IN., Union Twp, zoned R1B on 4.43 acres. Parcel 46-15-21-300-010.000-064.

Attorney Biege stated on notice the publication is adequate.

Ralph Rankin stated his address is 2214 E. 950 S., Hamlet, IN.

Melissa Mullins Mischke asked why it took so long for them to come back for a variance.

Ralph Rankin stated he forgot about it.

Melissa Mullins Mischke asked if they grant a variance again tonight or will he make a note of it and make sure he comes back in.

Ralph Rankin stated yes.

Melissa Mullins Mischke asked what year the mobile home is.

Ralph Rankin stated 1987.

Melissa Mullins Mischke asked how long it has been on the property.

Ralph Rankin stated since July of 2015.

Dwayne Hogan asked if it is his intention to leave it on the property.

Ralph Rankin stated yes.

Melissa Mullins Mischke asked who resides in it.

Ralph Rankin stated he does right now.

Dwayne Hogan asked if he plans on keeping it to reside in it.

Ralph Ranking stated yes, until he gets the house remodeled.

Dwayne Hogan asked what he plans on doing with it afterwards.

Ralph Rankin stated he doesn't know yet. He may sell it. It's still movable. There's no concrete foundation or anything like that there.

Melissa Mullins Mischke asked Michael Polan if it was inspected if there was no concrete foundation. Was it inspected at the time it was installed?

Michael Polan stated that would've been before his time. He doesn't know if it was inspected or not. He did go out recently to take pictures for tonight's purposes, but he is not sure of what inspection history might exist on this.

Ralph Rankin stated it was originally put on there as a temporary so they didn't pour any concrete foundation or anything like that.

Melissa Mullins Mischke stated the meeting minutes from 2015 stated that his elderly parents lived in it. When did that change?

Ralph Rankin stated about four (4) years ago. Now his elderly brother-in-law is staying in the house.

Melissa Mullins Mischke stated with him.

Ralph Rankin stated in the house. They're staying in the trailer.

Ashley Kazmucha stated this is technically a second (2nd) residence.

Melissa Mullins Mischke stated yes. She's not sure that she sees a hardship going on at this point. When it was their elderly parents living in the mobile home and maybe needed some help that would have fallen under a hardship. If they're just looking to stay somewhere else while they remodel and somebody else is still living in the house. . .

Judie Rankin stated her address is 2214 E. 950 S., Hamlet, IN. Her elderly brother who is in ill health is who is staying in the house now and they are staying in the trailer at this time. They could reverse it and he could be in the trailer, but for right now they are in the trailer and he is in the house.

No remonstrators present.

Dwayne Hogan asked if it is their intention to remodel the house to move back into.

Ralph Rankin stated eventually, yes.

Dwayne Hogan asked how long?

Ralph Rankin stated eventually, yes.

Dwayne Hogan asked how long is eventually? Does he have an idea?

Ralph Rankin stated whenever money comes available. Times are hard nowadays.

Dwayne Hogan stated it wouldn't be within the next three (3) years then.

Ralph Rankin stated it might. His wife wants to do it.

Dwayne Hogan stated it looks like they have stretched the advantage that was granted to them on the first one (1) until they were here today. This is what happens when there's a lapse in time from your variance and the years get by you because that's the perception, they have on this thing right now. The parents aren't there anymore and they are so it makes it look like a different variance.

Adam Koronka made a motion to deny the Petition for Variance of Developmental Standards for Ralph L & Judie A Rankin for continued placement of a mobile home. The property is located at 2214 E. 950 S., Hamlet, IN., Union Twp, zoned R1B on 4.43 acres.

Glen Minich seconded.

Approved. Motion carries 5-0.

Ralph Rankin asked what his next actions are.

Melissa Mullins Mischke asked if they should put a time limit on it.

Attorney Biege stated they should.

Adam Koronka stated thirty (30) days.

Ralph Rankin asked if he knows how much it cost to move a trailer. It cost him about fifteen thousand dollar (\$15,000) to put it in there.

Melissa Mullins Mischke asked if thirty days a motion he wants to make or extend it.

Adam Koronka stated let's extend it. Ninety (90) days would be better.

Ralph Rankin stated he has ninety (90) days to raise fifteen thousand dollars (\$15,000).

Attorney Biege stated a comment is not appropriate, but they might want to vote on it.

Adam Koronka amended his motion to deny the Petition for Variance of Developmental Standards for Ralph L & Judie A Rankin for continued placement of a mobile home. Mobile home must be removed within ninety (90) days. The property is located at 2214 E. 950 S., Hamlet, IN., Union Twp, zoned R1B on 4.43 acres.

Ralph Rankin asked if he can reapply for a second (2nd) residence?

Melissa Mullins Mischke stated they are in the middle of a vote.

Glen Minich seconded.

All Approved. Motion carries 5-0.

Melissa Mullins Mischke stated she recommends he contact our Building Department and find out the procedures on removal.

Ralph Rankin asked if he can reapply for another variance.

Attorney Biege suggested they just contact the Building Department. The Board should not be giving that advice.

7. Petition for Variance of Developmental Standards for Pamela Sue Walton & Bert W Walton (deceased) for continued placement of a mobile home. Last variance granted 2/15/2011 for three (3) years renewable. The property is located at 7863 N. Maiden Ln., New Carlisle, IN., Hudson Twp and zoned R1B. Parcel 46-04-29-108-011.000-050.

Attorney Biege stated notice is adequate.

Pamela Walton stated her address is 7863 N. Maiden Ln., New Carlisle, IN.

Melissa Mullins Mischke asked who resides in the mobile home.

Pamela Walton stated she does with her sister and her niece.

Dwayne Hogan asked how long it has been there.

Pamela Walton stated there has been a trailer on the property as long as she can remember.

Dwayne Hogan asked how long she has lived there.

Pamela Waltons stated twelve or thirteen years now.

Dwayne Hogan asked if the last variance on 2/15/2011 was it.

Pamela Walton stated that might have been her mother-in-law because she and her husband moved in with her. She didn't want to live by herself so they moved in with her.

Dwayne Hogan stated there has been no variance since then.

Pamela Walton stated she didn't know about it.

Dwayne Hogan asked if her intention was to keep living there.

Pamela Walton stated yes.

Melissa Mullins Mischke asked what year the mobile home is.

Pamela Walton stated she does not know.

Melissa Mullins Mischke stated if they grant the petition, it is their responsibility to come in front of the Board within the time frame they are give to re-file for a variance.

Pamela Walton stated she understands.

No remonstrators present.

Melissa Mullins Mischke asked if they could clean up the property when the weather warms up. It definitely looks like it could use some extra attention.

Pamela Walton stated yes.

Dwayne Hogan made a motion to approve the Variance of Developmental Standards for Pamela Sue Walton & Bert W Walton (deceased) for continued placement of a mobile home for two (2) years renewable. The property is located at 7863 N. Maiden Ln., New Carlisle, IN., Hudson Twp and zoned R1B.

April Daly seconded.

All Approved. Motion carries 5-0.

8. Petition for Variance of Developmental Standards for Lester F Toothman & Linda J Greathouse Jt for continued placement of a mobile home. Last variance granted 4/20/2010 for three (3) years renewable. The property is located at 7154 N. Detroit Rd., New Carlisle, IN., Hudson Twp and zoned R1B. Parcel 46-04-28-382-014.000-050.

Attorney Biege stated notice is adequate.

Lester Toothman stated his address is 7154 N. Detroit St., New Carlisle, IN.

Melissa Mullins Mischke stated they granted him a variance in 2010. What happened with his variance status?

Lester Toothman stated he never got notified or anything so he didn't know.

Melissa Mullins Mischke stated if they grant this variance tonight, does he understand it is his responsibility to come to the Building Commissioner and reapply.

Lester Toothman stated yes.

Melissa Mullins Mischke asked how long he has lived at the mobile home.

Lester Toothman stated about eight (8) years.

Melissa Mullins Mischke asked who lives there with him.

Renee Greathouse stated her address is 1234 E. California Ave., Glendale, CA. She stated her parents live there.

Lester Toothman stated he guesses he's been there about twelve (12) years. Time flies.

Melissa Mullins Mischke asked what year the mobile home is.

Lester Toothman stated about a '75.

Melissa Mullins Mischke asked if they have any plans for improvements on it.

Lester Toothman stated yes, but it's just one (1) of those things.

Melissa Mullins Mischke asked if it is on a concrete foundation.

Lester Toothman stated no, it is on a cement block foundation. It's all closed in.

No remonstrators present.

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for Lester F Toothman & Linda J Greathouse Jt for continued placement of a mobile home for two (2) years renewable. The property is located at 7154 N. Detroit Rd., New Carlisle, IN., Hudson Twp and zoned R1B.

Dwayne Hogan seconded.

Approved. Motion carries 4-1.

9. Petition for Variance of Developmental Standards for Lucian and Beth Bednarek for construction of a new home 976²' instead of the required 1,000²', side setbacks of 5' instead of the minimum 10' and 83% lot coverage instead of the maximum 45%. This

property is located at 5832 E. Saugana Trail, Rolling Prairie, IN., Galena Twp. zoned R1B. Parcel 46-03-25-276-009.000-048.

Attorney Biege stated notice is adequate.

Beth and Lucian Bednarek stated their address is 5832 E. Saugana Trail, Rolling Prairie, IN.

Melissa Mullins Mischke asked if they're sure they want to get in a house that is nine hundred and seventy-six square feet (976²).

Beth Bednarek stated the lot is narrow. The house that is there now is only six hundred and twenty square feet (620²) and they are living there now. They have had the house for thirty-five (35) years and they recently made it their permanent residence as of last fall. They want to put an addition on and remodel the existing. They want to make it as big as possible, but obviously it is between two (2) existing structures.

Lucian Bednarek stated they are coming from a house that was thirty-six hundred square feet (3,600²).

Dwayne Hogan stated that's a little bit smaller.

Lucian Bednarek stated right now, they are going to leave it one (1) bedroom, but make the bedroom like their own apartment with the grandkids so they can watch tv when they go to bed.

Beth Bednarek stated they're just making every room a little bit bigger.

Lucian Bednarek stated right now, when he goes to sleep, his feet hit one (1) wall and his head hits the other wall.

Melissa Mullins Mischke stated she understands that. Well, the concept.

Beth Bednarek stated it worked fine for a summer home for thirty-four (34) years.

Melissa Mullin Mischke stated for the summer it would be okay.

Lucian Bednarek stated the reason they need the eighty-three percent (83%) is because they are talking about putting in a driveway because they have none.

Beth Bednarek stated the front that is all grass they want to be able to park cars on so they are not in the street because people need to get by.

No remonstrators present.

Beth Bednarek stated when she got the signatures from the neighbors, she went and showed them the plans and explained what was going on so they would know.

Adam Koronka stated it is not immediately clear from the drawing he is looking at, but which way are they going to be bumping out the size of the home.

Lucian Bednarek stated it will be where the carport is now. They are removing the carport and putting the addition there.

Beth Bednarek stated they will take up the broken concrete and put in a new foundation. Then they will bump out the decks in the back and make them house level.

Glen Minich asked where the water is going to go.

Melissa Mullins Mischke stated she doesn't think it's going to be too bad compared to as it exists today.

Adam Koronka stated when he drove through not much can be seen around it. The carport is like a permanent structure.

Beth Bednarek stated the house across the street sits much higher than theirs and it's owned by her sister.

Adam Koronka stated it does sit a bit higher.

Beth Bednarek stated the old house next to them is her other sister. This is the fourth (4th) generation that they are out there.

Melissa Mullins Mischke stated she understands that too.

Glen Minich stated he is concerned with where the water is going to go from the front where the grass was taking it.

Lucian Bednarek stated if they look next door, they are going to do one (1) of two (2) things. The County several years ago, it was his mother-in-law's house, they put a drain across her whole property. Either they are going to fill it in there or put drains down the two (2) sides to the lake. That was his first priority.

Glen Minich stated as long as they have drains in place.

Lucian Bednarek stated there will be drains in there or they will be graded to go into the County drain.

Beth Bednarek stated the five-foot (5') walk way will be pea gravel.

Glen Minich stated he didn't want the neighbors having trouble with their clear water.

Lucian Bednarek stated they're going to live there and they don't want to upset the neighbors. They want to do it right.

Adam Koronka stated family or otherwise.

Lucian Bednarek stated yes.

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for Lucian and Beth Bednarek for construction of a new home 976²' instead of the required 1,000²', side setbacks of 5' instead of the minimum 10' and 83% lot coverage instead of the maximum 45%. This property is located at 5832 E. Saugana Trail, Rolling Prairie, IN., Galena Twp. zoned R1B

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

10. Petition for Variance of Developmental Standards for Jason and Kimberly Cook for construction of a home on a property without 200' of road frontage; road frontage is not continuous. This property is located surrounding 5151 W. 800 N., Michigan City, IN., Springfield Twp. zoned R1B on 8 acres. Parcel 46-02-19-400-024.000-062.

Attorney Biege stated notice is adequate.

Jason Cook stated his address is 305 Niles St., LaPorte, IN.

Melissa Mullins Mischke stated he wants to build on this big parcel, but there's a house in the way.

Jason Cook stated yes, Tim's house is right there.

Dwayne Hogan stated he talked with Tim and Sue today about this same petition while they're in Florida to make sure they're on the same page with it.

Jason Cook stated very cool that he spoke to Tim.

Dwayne Hogan stated he reached out.

Melissa Mullins Mischke stated from the drawing provided it does look like there are some wetlands on the property. Will they be going in between those two (2) sections?

Jason Cook stated yes.

Melissa Mullins Mischke stated is his intention to put the driveway on the East side or West side.

Jason Cook stated on the East side.

Melissa Mullins Mischke stated on the sixty-foot (60') frontage.

Jason Cook stated yes. The West side is all wetlands.

Adam Koronka stated it looks like there has already been travel through that lane.

Jason Cook stated yes. You can already drive back and forth on that side. It just needs to be graveled and taken care of.

Dwayne Hogan stated he was driving it today while he was talking to Tim on the phone in Florida.

Jason Cook asked if it is getting muddy back there.

Dwayne Hogan stated it is.

Jason Cook stated he imagines so.

Dwayne Hogan stated Tim is fine with it as well. There's no problem.

Melissa Mullins Mischke stated so says you.

Dwayne Hogan stated so says him.

No remonstrators present.

Melissa Mullins Mischke stated this is not ideal, but at least there are two (2) opportunities for road frontage as opposed to the one (1) little sliver. There is that.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Jason and Kimberly Cook for construction of a home on a property without 200' of road frontage; road frontage is not continuous. This property is located surrounding 5151 W. 800 N., Michigan City, IN., Springfield Twp. zoned R1B on 8 acres.

Adam Koronka seconded.

All Approved. Motion carries 5-0.

11. Petition for Variance of Developmental Standards for Bigger Garage One LLC for construction of two (2) storage buildings (40' x 120') and (20' x 140') to be used as rental storage units. This property is located at 5981 S. State Road 39, LaPorte, IN., Scipio Twp. zoned B2 on 2.381 acres. Parcel 46-10-35-300-007.000-060.

Attorney Biege stated notice is adequate.

Jimmy Terry stated his address is 1756 S. 75 W., Winimac, IN. He is here representing his clients Bigger Garage One LLC and FBI Buildings.

Melissa Mullins Mischke stated they want to add two (2) storage units. She drives through this area all the time. Twice a day most days; sometimes three (3) times. Some of the storage facilities along US 6 are already pretty close to the edge of the property. Is there really enough room there to add another one (1)?

Jimmy Terry stated they have already applied for a State Release. The State has granted them a release based on all of the Indiana State Building Codes and Laws for required setbacks and they plan to meet or exceed those. In their site plan, they had noted some setbacks there and they have some room to make those larger if needed, if the Board so wishes. Their goal is to dress the property up substantially including the other two (2) buildings that are already there. They would like to put the new smaller building along the roadside because it will be a nice building and allow for signage. To eliminate a fence, they will have a nice side wall there that they can put some very nice signs. They are willing to work with the County and neighbors for whatever request for landscaping that would make it more eye appealing. It is an important intersection 39 and 6.

Dwayne Hogan stated with that being said, he is very wondering about the sight lines at that intersection as busy as it gets. The more they keep encroaching he can visualize it being a fear.

Jimmy Terry stated he understands. They did do their due diligence and reached out for the State Board required setbacks.

Dwayne Hogan stated he understands the State says one (1) thing and the rules say one (1) thing, but when they actually do it and put the common sense to it, it's like it is encroaching and it's tight. That's what he's seeing.

Melissa Mullins Mischke stated they don't want to put a fence up.

Jimmy Terry stated they would like to put a fence up. They have a several year plan to add a nicer parking lot as right now it's just grass, gravel, and weeds. They want to fix some drainage that has been an issue there for some time. These people just bought this property.

Melissa Mullins Mischke asked how long have they owned it.

Jimmy Terry stated not even a year.

Melissa Mullins Mischke asked if there are security cameras out there.

Jimmy Terry stated there is not. They will be putting security cameras on their new buildings and when the other buildings are remodeled the people that currently rent there would move to the new rentals so FBI can remodel the existing buildings that are there. CSX is a railroad company that is renting the one (1) building and it needs several things done to it too.

Dwayne Hogan stated he can see that. He thinks Building #1 proposed in the drawing really behinds back behind Building #2 to the North to keep it open up in the front. Even though it's a highway there it is awfully close.

Glen Minich stated he doesn't know when this was done, but he would like to see the original guidelines for this. They must have had something as far as business hours and all that when this was first built. This is an addition to a storage unit that was there previously and they don't have any of that.

Michael Polan stated the original buildings were put up because it is zoned B2 so they were a permitted use.

Glen Minich stated there are no business hours established.

Melissa Mullins Mischke stated she is not in favor of adding more buildings given the fact that she goes through there all the time and she sees trash on the property and the fact that there is zero security out there. The CSX guys have more security going on than there is at a storage facility and that makes her uncomfortable out in a very sparsely populated part of the County.

Jimmy Terry stated the plan to put security there.

Melissa Mullins Mischke stated she does not see that in anything in her plans where they want to put security, how, when, if and when there will be a fence. Is it going to be gated with swipe cards? Is it a punch key? She has a lot of questions that need to be answered before she can be in full favor of it. She agrees with Dwayne about Building #1. She understands they got approval from the State, but she does feel like that is a really bad intersection and visibility is a problem to begin with. She would like to see that moved North.

Remonstrators:

Hugh Glasgow stated his address is 6501 S. State Road 39, LaPorte, IN. It is approximately a half (½) mile South of there. He has two (2) concerns. First, he is worried about the drainage because if they add a one hundred and forty-foot (140') building and a one hundred and twenty-foot (120') building and driveways, which not a lot of water goes through, and the predominant flow of the water is towards the intersection in that area. There is already a seasonal problem with water in the intersection. It's pretty flat, but eventually the water goes to the South and the West towards the intersection and then it comes onto him after that. The building closest to Highway 6 he is unsure which way the roof would be pitched, but he can't imagine there is enough greenspace area to keep the water off the road there. Secondly, he is concerned about the visibility. Many times, he sees semi-trucks going up there wheel hopping at thirty to forty miles per hour (30 – 40 mph) and then just go through. People from the other way think they can go, but they don't know a vehicle is coming that fast. Sometimes, it happens. He's probably seen over in his lifetime over twenty (20) people killed in that intersection. He thinks that a many has a right to build buildings, but not that close. He's not sure about the permeability and how much surface area he plans on covering, but he has concerns in that area.

Dawn Sampson stated her address is 7102 S. 400 W., Union Mills, IN. They have the same concerns as their neighbors with the visibility issue. They also travel that highway many times a day. She thinks especially when heading South on Highway 39 when approaching the intersection, that first building they proposed will be a huge hinderance to the visibility facing the East. They won't be able to see any oncoming traffic. Also, the mini storage has been in business for several years and they have no security, no fencing, and no business hours. People can come and go at will whenever they want with no security. She did a little research and looked on their FaceBook page and they had a picture from January 2021 of that same facility and then in October on their FaceBook page said they were under new ownership as of October 2021. Are they in business now? What are their business hours? They need answers.

Dwayne Hogan thinks there are very valid concerns that they have heard tonight as well as his and the other members of the Board. He is having a hard time digesting this one (1) to grant it knowing there is a possibility of what could happen there on that corner.

Melissa Mullins Mischke stated they don't generally do business hours in the zoning and storage facility that has adequate security would be open twenty-four (24) hours. That is one (1) of the reasons that they don't really know what the business hours are because the security is lacking.

Jimmy Terry stated they have just taken ownership of this last fall. They tried to secure the buildings that are out there already with some minor band-aids. If they need more of a detailed plan of some of their other stuff they plan to do, then that shouldn't be an issue.

Adam Koronka stated point of order, since they have a Petition for a Variance of Developmental Standards instead of a Variance of Use, are they there just to look at the construction of the two (2) additional storage facilities and not so much the use of what they already have.

Melissa Mullins Mischke stated correct because it is a permitted use.

Jimmy Terry asked if they were to forget Building #1 and apply for a variance for Building #2, would they do that at this meeting or would they have to reapply for next month.

Attorney Biege stated they could amend if they are going to ask for less since they are one notice for Building #2.

Michael Polan stated Jimmy Terry communicated with his staff that for Building #1 could be moved and back. The majority of the concerns are that building. He likes hearing that they will address drainage and security and improve the overall site. The two (2) major concerns are the traffic and sight lines so if they were to move that building behind the other ones that would eliminate that as a concern and then the drainage concerns. Right now, they have that green area that water can infiltrate in. The area from the existing building to the highway is flat. If there was a structure there with hard surface water runoff and there's not a swale along the highway, there is really nowhere the water to go except into the road. If it would be acceptable to him and his clients to move that building behind, then that should solve the problem.

Jimmy Terry stated it would do that.

Melissa Mullins Mischke stated North of the proposed Building #2.

Jimmy Terry stated yes. It would do that. That was the original plan that FBI proposed to them based on having the room to build. They preferred to put the nicer building with more of a flat wall for signage out along the highway that way the older building wouldn't be the first thing people look out. He understands their concerns as a parent of three (3) sons that ride their bikes all the time he would be concerned as well with the intersection. After they reviewed with the State, they said what the setbacks were and it was possible to do this, this was what their first proposal was.

Melissa Mullins Mischke asked if he is comfortable representing the owners in this change if it were to happen or would he feel more comfortable to come back with a better plan next month and perhaps with the owners.

Dwayne Hogan stated a more specific plan.

Melissa Mullins Mischke stated a more specific plan with timing on security, drainage, etc.

Dwayne Hogan stated address those issues.

Jimmy Terry stated he feels very comfortable addressing them now or he can come back. He has spoken with the owners three (3) times in the past four (4) days regarding this meeting to make sure they had some options on the table is the proposed site plan wasn't going to be adequate.

Attorney Biege stated the neighbors have received plans and a drawing. If they are going to allow them to rework it, he would suggest them to reset it to give the neighbors an opportunity to see what the new plans and drawings look like. It may or may not change their minds, but to go forward on a vote tonight on something like this. . .

Melissa Mullins Mischke agreed. She doesn't want to have a negative vote and have them wait a period of time to re-petition.

Attorney Biege stated right, it sounds like something could be workable here.

Melissa Mullins Mischke agreed.

Jimmy Terry stated they can put a lighting plan together as well for the security.

Melissa Mullin Mischke stated that would be wonderful.

Jimmy Terry stated he's never done this before as they can probably tell. He didn't know what all to bring.

Remonstrators:

John Sampson stated his address is 7102 S. 400 W., Union Mills, IN. They are adjacent property owners there and his concern is that where they have the buildings now is the only place to have two (2) buildings. The septic would run into trouble with two buildings to the North.

Dwayne Hogan stated they didn't know that.

Melissa Mullins Mischke stated that's why they want them to come back with a more detailed plan.

Dwayne Hogan made a motion to table the Petition for Variance of Developmental Standards for Bigger Garage One LLC for construction of two (2) storage buildings (40' x 120') and (20' x 140') to be used as rental storage units. This property is located at 5981 S. State Road 39, LaPorte, IN., Scipio Twp. zoned B2 on 2.381 acres.

Adam Koronka seconded.

All Approved. Motion carries 5-0.

12. Petition for Variance of Developmental Standards for Kenneth and Mary McAtee for continued placement of a mobile home. Last variance granted 2/16/2021 for 1 year renewable. This property is located at 7421 E. Point Rd., New Carlisle, IN., Hudson Twp. zoned R1B on 0.336 acres. Parcel 46-04.29.327-014.000-050.

Attorney Biege stated notice is adequate.

Debbie Jurkowski stated her address is 7401 E Point Rd., New Carlisle, IN. She is their daughter.

Melissa Mullins Mischke asked how long her parents have been on the property.

Debbie Jurkowski stated since 1972 and the trailer is a 1972.

Melissa Mullins Mischke asked if both parents are still alive.

Debbie Jurkowski stated yes, they are. Her father has a little more health problems than her mother. In all the years that they have done the variances, she was late one (1) year and it was due to her mother and father having health issues and surgeries that year. She didn't make it in and it was the only time she ever missed one (1) since they started it. Her dad has had lung cancer twice. He's had half (1/2) a lung removed on each side. He has COPD. In the last year to six (6) months he has developed dementia.

Melissa Mullins Mischke stated her heart goes out to her.

Debbie Jurkowski stated he does pretty good. He is a walking miracle; he actually shouldn't be here from a medical standpoint. You don't beat lung cancer twice.

Glen Minich stated they have seen this before and they always think it's a miracle nothing has ever happened.

Debbie Jurkowski asked if they're talking about the fireplace.

Glen Minich stated yes. A masonry fireplace on the front of the trailer.

Debbie Jurkowski stated yes, that was put on about 1975 and it was a working fireplace until 1985. There have been numerous comments on it over the years.

Glen Minich stated it is a beautiful lot. It's a beautiful property. They certainly don't want to displace any elderly people. That is not what they want to do, but they do want the health and safety of the community being protected.

Debbie Jurkowski stated it's the convenience of it being right there by her where she can help them and do what she has to do. They have been wonderful to her through the years always granting her the variance for three (3) years. Last year when she was here, there was a window that was broken, it was cracked from a stone from a lawnmower from a neighbor. She is currently working with a place in Westville that has trailers to get a replacement window. She is trying to order three (3) whole new windows, but with they way stuff goes right now, getting it in in a timely manner has not been working so well.

Melissa Mullins Mischke asked if there was a tree down last year too.

Dwayne Hogan stated there was.

Debbie Jurkowski stated they did tree trimming numerous times. There was one (1) removed that opened it up a lot, but it was scraping the top of the roof so they had to limb that up. They limbed the front yard up and the tree that was down to get picked up. There are still obviously things to do as she is sure is shown on the pictures taken by whoever came out and took them. She even told Ashley it's a mess right now; there are leaves, limbs, and other stuff. Ashley said, "It was winter. You're ok." So, they have a lot of yard work to get done. Probably by August the outside of it will be painted too. Her mother tried to have it painted every five to six (5 – 6) years.

Adam Koronka stated to answer her question, and to her credit, last year it was his first meeting when they had this petition. He came out and there was damage to the roof on the East side.

Debbie Jurkowski stated that's on the basement and that was the tree.

Adam Koronka stated yes, it was the tree that came down and has been repaired. That was the first thing he looked for. What they see is being maintained.

Debbie Jurkowski stated she tries. No disrespect to her parents, but they can't help a lot so she tries to keep up. She has four (4) children with three (3) still at home. They try.

Adam Koronka asked if her parents are here full time now. If he remembers correctly, they were in Missouri or something like that.

Debbie Jurkowski stated they are in Missouri. They are moving them back full-time because her mom cannot handle her dad anymore. They had a winter house in Missouri that they would go to. She wanted August because her kids do 4-H Fair, but her mother has picked May. They will see. Somewhere in the time period they will move back here full-time.

No remonstrators present.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Kenneth and Mary McAtee for continued placement of a mobile home three (3) years renewable. This property is located at 7421 E. Point Rd., New Carlisle, IN., Hudson Twp. zoned R1B on 0.336 acres.

Adam Koronka seconded.

All Approved. Motion carries 5-0.

Melissa Mullins Mischke asked for any other business.

Dwayne Hogan stated he will be attending the next meeting via Zoom as he will not be in the Country.

Melissa Mullins Mischke stated he will be in the Caribbean.

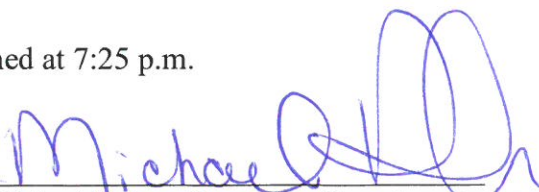
Adam Koronka stated you're going to be on vacation and Zoom in.

Glen Minich asked if they're extraditing him.

Dwayne Hogan stated yes.

There being no further business, meeting adjourned at 7:25 p.m.


Melissa Mullins Mischke, President


Michael Polan, Recording Secretary